

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 GUY HENRY WASHINGTON, )

10 Petitioner, )

11 v. )

12 STEVE FRAKES, )

13 Respondent. )  
14

CASE NO. C08-416-JLR-JPD

REPORT & RECOMMENDATION

15 Petitioner is a state prisoner who has filed a *pro se* petition for a writ of habeas corpus.  
16 On May 9, 2008, the Court directed the Clerk to serve a copy of the petition on respondent.  
17 (Dkt. No. 10). On August 11, 2008, respondent filed a motion requesting that the Court order  
18 petitioner to provide a more definite statement of his claim. (Dkt. No. 18). Otherwise,  
19 respondent stated, he would be unable to adequately respond to the petition.

20 In his habeas petition, petitioner described the facts underlying his claim as follows:

21 After [petitioner's] resentencing on October 19, 2007, then release on file  
22 by finger print by C/O Johnson of intake and receiving October 23, 2007,  
23 but withheld from his liberties by Ken Quinn the superintendent and  
24 Department of Corrections in which searched and seized Guy H.  
Washington without lawful excuse to unlawfully imprison the petitioner  
then segregated.

25 (Dkt. No. 9 at 6).

26 The Court agreed with respondent that the factual basis for this claim was not sufficiently

1 clear, and, accordingly, on September 10, 2008, directed petitioner to file a memorandum in  
2 support of his petition that more clearly describes the facts underlying his claim. (Dkt. No. 20).  
3 The Court further advised petitioner that he had to file the memorandum within 21 days of the  
4 date of the Court's Order, or the Court would recommend that this action be dismissed. (*Id.* at  
5 2).

6 On October 17, 2008, or 36 days after the Court's Order, petitioner filed a one page  
7 document that states that he has been illegally detained, but again does not provide any facts to  
8 support his claim. (Dkt. 24). Therefore, because petitioner's response to the Court's Order is  
9 untimely and also insufficient, the Court recommends that the petition and this action be  
10 dismissed without prejudice.<sup>1</sup> A proposed Order is attached.

11 DATED this 24th day of October, 2008.

12  
13   
14 JAMES P. DONOHUE  
United States Magistrate Judge  
15  
16  
17  
18  
19  
20  
21  
22  
23

---

24 <sup>1</sup> The Court notes that in his response, petitioner alleges that prison officials are  
25 interfering with his communication "for legal help" and that he is being "drugged" involuntarily.  
26 (Dkt. No. 24 at 1). Petitioner is advised that these allegations concern the conditions of his  
confinement and should be raised not through a habeas petition but through a complaint filed  
pursuant to 42 U.S.C. § 1983. *See Preiser v. Rodriguez*, 411 U.S. 475, 500 (1973).